

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

FRIDAY, THE 13TH JULY 2007 / 22ND ASHADHA 1929

WP(C).No. 25693 of 2004(H)

PETITIONER:

K.REGHU, S/O.KESAVAN, AGED 54 YEARS,
WORKING AS DRIVER GRADE II, K.S.R.T.C. KOTTAYAM,.
AND R/A. POLAKATHUPARAMBIL, KIDANGOOR, KOTTAYAM.

BY ADV. SRI.N.UNNIKRISHNAN

RESPONDENTS:

THE KERALA STATE ROAD TRANSPORT
CORPORATION, TRANSPORT BHAVAN, FORT,
THIRUVANANTHAPURAM. REP. B ITS MANAGING DIRECTOR.

BY ADV. SRI.K.PRABHAKARAN, SC, K.S.R.T.C.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 13/07/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX IN WPC.25693/04

PETITIONER'S EXHIBITS:

EXT.P1: TRUE COPY OF MEMORANDUM NO.PLC-44872/88 DATED 7.5.1991 ISSUED BY THE RESPONDENT TO THE DIST. TRANSPORT OFFICER, K.S.R.T.C., KOTTAYAM.

EXT.P2: TRUE COPY OF THE JUDGMENT DATED 6.2.2002 IN O.P.14522/97 D PASSED BY THE HON'BLE HIGH COURT OF KERALA.

EXT.P3: TRUE COPY OF REPRESENTATION DATD 31.1.2004 SUBMITTED BY THE PETITIONER TO THE RESPONDENT.

EXT.P4: TRUE COPY OF JUDGMENT DATED 15.3.2004 IN WPC.8786/04 U PASSED BY THE HON'BLE HIGH COURT OF KEALA.

EXT.P5: TRUE COPY OF MEMORANDUM NO.PL.T/001460/2004 DATED 8.6.2004 ISSUED BY THE RESPONDENT TO THE PETITIONER.

/TRUE COPY/

THOTTATHIL B.RADHAKRISHNAN, J.

W.P(C).No.25693 OF 2004

Dated this the 13th day of July, 2007

JUDGMENT

The petitioner seeks to quash Ext.P5, whereby, he has been refused pay and allowances of driver for the period he worked in another cadre as O.D. Peon, without any category change, from 12.7.1988 to 10.5.1991, following a surgery that he had to undergo. As a matter of fact, his request of category change was turned down. The entitlement of the petitioner to draw salary in the scale applicable to the post to which he had a lien, i.e., the post of a driver, is squarely covered in his favour by Ext.P2 judgment in O.P.No.14522/97 dated 6.2.2002 and by the judgment dated 21.10.2005 in W.P(C).10088/04. Under such circumstances, the petitioner is entitled to the relief sought for in this writ petition.

In the result, the writ petition is allowed quashing Ext.P5 and declaring that he is entitled to restoration of his pay as driver grade -I during the period from 12.7.1988 to 10.5.1991.

The petitioner will be entitled to all consequential benefits on account of the above. However, the prayer for interest is declined.

Sd/-

THOTTATHIL B.RADHAKRISHNAN,
Judge

k kb.